

APPLICANT: **Avner SHAFRIR**
SERIAL NO.: **09/583,734**
DOCKET NO.: **23452-112**

Remarks

Applicants thank the Examiner for the courtesies extended to the Applicants' representative during the personal interview conducted on February 3, 2003.

Applicants further thank the Examiner for acknowledging the claim for domestic priority to a provisional application under 35 U.S.C. § 119(e).

Applicants also thank the Examiner for considering the references cited in the Information Disclosure Statement filed on December 19, 2000, as evidenced by the initialed Form PTO-1449.

Regarding the Information Disclosure Statement filed on April 16, 2002 disclosing co-pending U.S. Patent Applications Nos. 09/580,904 and 09/583,736, the Examiner indicates that he had not considered the content of these applications because the Information Disclosure Statement fails to comply with 37 C.F.R. §1.98(a)(1). Applicants respectfully note that the Examiner appears to have considered the content of Applications 09/580,904 and 09/583,736 because these applications form the basis of the double patenting rejection.

Claims 1-22 are all the claims now pending in this application. Claims 21 and 22 are added by this Amendment. No new matter is included. Attached to this Amendment is Appendix A, which illustrates the marked-up version of the amended claims and specification.

Filed concurrently herewith are a two month extension of time and an excess claim fee payment for the two (2) excess independent claims produced by this Amendment.

Reconsideration and allowance of all of the rejected claims are respectfully requested in view of the foregoing remarks.

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CLAIM REJECTIONS

Claims 1-16 and 18-20 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 6, 10-13, 18 and 22-25 of copending Application No. 09/580,904. Claims 2, 7, 11, and 16 are provisionally rejected under 35 U.S.C. 101 as allegedly claiming the same invention as that of claims 10 and 23 of copending Application No. 09/580,904. Claims 5, 9, 14, and 20 are provisionally rejected under 35 U.S.C. 101 as allegedly claiming the same invention as that of claims 12 and 25 of copending Application No. 09/580,904. Claims 4, 13, and 19 are provisionally rejected under 35 U.S.C. 101 as allegedly claiming the same invention as that of claim 24 of copending Application No. 09/580,904. Claims 7, 9-11, 13-17, 19 and 20 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1, 4-9, 13-15, 22, 23 and 26-29 of copending Application No. 09/583,736 in view of Mirabilis ICQ98a, as shown by ICQ.com website "The ICQ Status Indicator". Claims 2, 7, 11, and 16 are provisionally rejected under 35 U.S.C. 101 as allegedly claiming the same invention as that of claims 4, 5, 26 and 27 of copending Application No. 09/583,736. Claims 4, 13, and 19 are provisionally rejected under 35 U.S.C. 101 as allegedly claiming the same invention as that of claims 6, 13 and 28 of copending Application No. 09/583,736. Claims 5, 9, 14 and 20 are provisionally rejected under 35 U.S.C. 101 as allegedly claiming the same invention as that of claims 7, 14, and 29 of copending Application No. 09/583,736.

Applicants will consider filing a terminal disclaimer and/or taking any other action necessary to overcome these rejections when the claims are indicated to be otherwise allowable.

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Claim Rejection under 35 U.S.C. § 102

Claim 1-3, 6-8, 10-12, and 15-18 are rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Mirabilis ICQ98a, copyright 12/7/97, as shown by ICQ.com websites. Applicants respectfully traverse this rejection on the following basis.

During the personal interview, the Examiner indicated that he is relying on the Mirabilis ICQ98a computer program to support this rejection. The Mirabilis ICQ98a computer program, however, is not provided for review. Rather, the Examiner has provided web page descriptions of the Mirabilis ICQ98a computer program to support his position. Applicants respectfully disagree with the Examiner's position and submit that the rejection should be made using only references that are provided for review.

Furthermore, the Examiner asserts that Mirabilis ICQ98a has a copyright date of December 12, 1997 based on a disclosure in the "What's New" web page alleging that a version of ICQ98a was released on December 12, 1997 (see "What's New", page 3). Since updated versions of ICQ98a were released after December 12, 1997, Applicants respectfully submit that the Examiner may not rely on the December 12, 1997 date to support every feature allegedly provided by ICQ98a. For example, the "What's New" web page discloses that several features, including status message presets, were allegedly released on January 4, 1998.

Although it is believed that the claims are currently distinguishable over the cited art, Applicants have amended the claims to further clarify the invention and to expedite their allowance. In particular, independent claims 1, 6, 10 and 15 recite, *inter alia*, the feature of presenting one or more user indicators *as links* within the at least one electronic document, among other things. In an exemplary embodiment, network users may determine the status of

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other network users wherever a user indicator is presented in the system, whether it is an e-mail, HTML document or any other electronic document (see the present specification at page 5, last paragraph bridging onto page 6).

In contrast, Mirabilis ICQ98a, as described in "Communicate Online with Your Site Visitors" on page 3, provides a separate ICQ communication panel that is displayed as a window on top of other open applications on a desktop or as a floating window that may be reduced as an icon on the desktop. The "ICQ Status Indicator" web page discloses status buttons that may be presented in a same manner as the ICQ communications panel. As a result, Applicants claimed subject matter is distinguished from Mirabilis ICQ98a and the allegedly supporting web pages, which fail to disclose or suggest presenting one or more user indicators *as links* within the at least one electronic document.

Since Mirabilis ICQ98a and the allegedly supporting web pages neither suggest nor disclose the invention claimed in independent claim 1 and its dependent claims 2 and 3, or the invention claimed in independent claim 6 and its dependent claims 7 and 8, or the invention claimed in independent claim 10 and its dependent claims 11 and 12, or the invention claimed in independent claim 15 and its dependent claims 16, 17, and 18, these claims clearly are not anticipated by the above cited references. For the foregoing reason, reconsideration and allowance of these claims are requested.

Claim Rejections under 35 U.S.C. §103

Claims 4, 5, 9, 13, 14, 19 and 20 are rejected under 35 U.S.C. 103(a) as allegedly being obvious over Mirabilis ICQ98a, copyright 12/7/97, as shown by ICQ.com websites, in view of

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Mirabilis ICQ98A, copyright 12/7/97, as shown by "ICQ Has Features Consultants Need-And It's Free" (Evans). Applicants respectfully traverse this rejection on the following basis.

As stated above, the Mirabilis ICQ98a computer program is not provided for review. Rather, the Examiner has provided web page descriptions of the Mirabilis ICQ98a computer program to support his position. Applicants respectfully disagree with the Examiner's position and submit that the rejection should be made using only references that are provided for review. Furthermore, Applicants refute the Examiner's assertion that Mirabilis ICQ98a has a copyright date of December 12, 1997

Nonetheless, Applicants have amended the claims to further clarify the invention and to expedite their allowance.

Claim 4, 5, 9, 13, 14, 19 and 20 depend from corresponding independent claims 1, 6, 10 and 15 and therefore include the recitation of presenting one or more user indicators *as links* within the at least one electronic document, among other things. Evans discloses that ICQ sits dormant in the background or foreground, depending on how you customize the application (see Evans, page 1). Thus, Evans fails to overcome the deficiencies of the above cited references, which fail to disclose or suggest presenting one or more user indicators *as links* within the at least one electronic document.

In view of the foregoing differences, Applicants respectfully submit that claims 4, 5, 9, 13, 14, 19 and 20 are allowable at least by virtue of their dependency.

New claims 21 and 22 are added to further define the features disclosed in the originally filed application and are believed to be allowable.

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Applicants respectfully submit that this application is in condition for allowance and such disposition is earnestly solicited. If the Examiner believes that a telephone conference or interview would advance prosecution of this application in any manner, the undersigned attorney stands ready to conduct such a conference at the convenience of the Examiner.

In the event that it is determined that any fees are due, except for the Issue Fee, the Commissioner is hereby authorized to charge the undersigned's Deposit Account No. 50-0311.

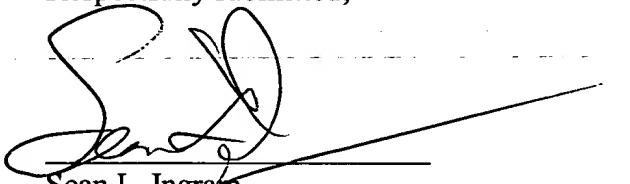
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PATENT & TRADEMARK OFFICE

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APPENDIX A

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE SPECIFICATION:

The specification is changed as follows:

Page 9, last paragraph bridging onto page 10:

For example, server SC module 29 may comprise identification determining module 12, status determining module 2616, status linking module 20, communication establishing module 24, and communication activation module 26. As such, server system 28 may receive updates from each of all user systems 30 of all users on the system (e.g., when a user status changes) which may therefore be reported out to each of the user systems 30. Accordingly, the status of all user systems may be known to all other user systems to enable the user SC module 31 to be able to present status information with the user indicators. User SC modules 31 may, for example, send status information (preferably in real time) for that user system whenever the status information for that user system changes. The information may be compiled by server SC module 29 and sent to user SC modules 31 (e.g., at login, when a user status changes). Other mechanisms for status updates of all users may also be used. For example, a system administrator or user may set a desired interval for performing status updates. Further, the status of users may be periodically checked by user SC modules 29-31 only when that information is desired for presenting with a user indicator.

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IN THE CLAIMS:

The claims are amended as follows:

1. (Amended) A system for enabling system users to view determine a real-time status of one or more target system users and to establish communications with the one or more target system users using a user indicator, the system comprising:

user indicator presentation means for presenting at least one user indicator as a link within an at least one electronic document, each user indicator being associated with the one or more target system users at least one system user;

status presenting means for presenting status indicators associated with the corresponding user indicators to provide, the real-time status indicator indicating the status of the one or more target system users user associated with the user indicator; and

communication means for enabling a user the system users to activate the user indicator to initiate communications with the one or more target system users user associated with upon selection of the desired user indicator.

2. (Amended) The system of claim 1, further comprising preference presentation means for presenting a the system user's users preference for receiving communications.

3. (Amended) The system of claim 1, further comprising updating means for updating the real-time status of the one or more target system users.

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4. (Amended) The system of claim 1, further comprising conference communication means for enabling the ~~one or more~~ system users to establish conference communications with the one or more target system users.

5. (Amended) The system of claim 4, wherein the conference communication means enable the ~~one or more~~ system users to share at least one application.

6. (Amended) A method for enabling system users to view-determine a real-time status of one or more target system users and to establish communications with the one or more target system users using a user indicator, the system comprising the steps of:

presenting one or more user indicators as links within an-at least one electronic document, each user indicator being associated with at least one system user;

presenting a-the real-time status of the one or more target system users associated with a the one or more user indicator~~s~~indicators, the real-time status including the user's an availability of the one or more target users to engage in a ~~for~~ communication; and

establishing a communication link with the one or more target system users based on the that user's indicated availability of the one or more target users.

7. (Amended) The method of claim 6, further comprising the step of enabling the one or more target system users to establish one or more communication preferences.

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8. (Amended) The method of claim 6, further comprising the step of updating the real-time status of the one or more target system users.

9. (Amended) The method of claim 6, further comprising the step of enabling the system users to share ~~sharing~~ at least one application with the one or more system users.

10. (Amended) A system for enabling system users to view ~~determine~~ a real-time status of one or more target system users and to establish communications with the one or more target system users using a user indicator, the system comprising:

a user indicator presentation module for presenting at least one user indicator as a link within ~~an~~ at least one electronic document, each user indicator being associated with at least one target system user;

a status determining module that determines the real-time status of the one or more target system users including an availability of the one or more target users to engage in a communication; and

a communication module that establishes a communication link with the one or more target system users based on the indicated availability of the one or more target users.

11. (Amended) The system of claim 10, further comprising a communication options preference presentation module that presents ~~a~~ the system user's users preference for receiving communications.

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12. (Amended) The system of claim 10, further comprising a status updating module that updates the real-time status of the one or more target system users.

13. (Amended) The system of claim 10, further comprising a conference communication module that enables the ~~one or more~~ system users to establish conference communications with the one or more target system users.

14. (Amended) The system of claim 13, wherein the conference communication module enables the ~~one or more~~ system users to share at least one application.

15. (Amended) A processor readable medium having processor readable code embodied therein for enabling at least one system user to obtain a ~~user~~real-time status of one or more target system users and establish a communication link using the ~~user~~real-time status of one or more target system users comprising:

user indicator presenting processor readable code that presents at least one user indicator as a link within ~~an~~at least one electronic document, each user indicator being associated with the one or more target ~~at least one~~ system users;

status providing processor readable code that provides the real-time status of the one or more target system users including an availability of the one or more target system users to engage in a communication; and

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communication establishing processor readable code that establishes a communication link with the one or more target system users based on the indicated availability of the one or more target users.

16. (Amended) The medium of claim 15, further comprising communication preference presenting processor readable code that presents a ~~system user's preference of the at least one system user to receive for receiving~~ communications.

17. (Amended) The medium of claim 16, further comprising communication prioritizing processor readable code that enables the one or more target system users to prioritize the preferences.

18. (Amended) The medium of claim 15, further comprising status updating processor readable program code that updates the real-time status of the one or more target system users.

19. (Amended) The medium of claim 15, further comprising conference communication processor readable code that enables the ~~one or more~~ at least one system users user to establish conference communications with the one or more target system users.

20. (Amended) The medium of claim 15, wherein the conference communication processor readable code enables the ~~one or more~~ system users at least one system user to share at least one application.

Claims 21-22 are added as new claims.